

### REMARKS

Claims 1, 12, and 16 are amended, no claims are canceled, and no claims are added; as a result, claims 1-23 are now pending in this application.

No new material has been added through the amendments to claims 1, 12, and 16. Support for the amendments to claims 1, 12, and 16 may be found throughout the specification, including but not limited to, the specification at page 3, line 13 through page 4, line 6, at page 5, lines 15-24, and in FIG. 2 and FIG. 4 as originally filed in the application.

On pages 2-5, of the Final Office Action includes one or more statements under the heading "Response to Arguments," which appear to respond to Applicants' previously filed response<sup>1</sup> in this application. Applicants expressly do not agree with these statements presented in the Final Office Action, and maintain each of the arguments presented in Applicants' previously filed response<sup>2</sup>. However, Applicants have not responded to these statements included in this Final Office Action under the "Response to Arguments" heading because these statements appear to be responding to arguments provided by Applicants in reply to rejections that are no longer the basis for the rejection of the claims in the pending Final Office Action. In fact, the last sentence under the "Response to Arguments" heading in the Final Office Action states,

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Therefore, a response to the one or more statements in the now pending Final Office Action under the "Response to Arguments" heading is not required in order to be fully responsive to the now pending Final Office Action.

Further, any lack of response to these statements as made in the Final Office Action under the "Response to Arguments" heading is not to be construed as any type of an agreement with, or any type of an admission, with respect to these statements.

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<sup>1</sup> See Applicants' previously filed response mailed July 6, 2006 in response to the non-final Office Action mailed March 6, 2006 in this application.

<sup>2</sup> See *Id.*

§102 Rejection of the Claims

Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Martin et al. (U.S. 6,704,818). Applicants do not admit that Martin *et al.* is prior art and reserve the right, as provided for under 37 C.F.R. 1.131, to "swear behind" Martin et al. at a later time. However, Applicants do not believe that swearing behind Martin et al. at this time is necessary, as the claims rejected under this 35 U.S.C. § 102(e) rejection are distinguishable over Martin et al.

Applicants respectfully traverse this rejection.

Applicants note that while the above statement of the rejection only specifically mentions claims 1-3 and 6, the Final Office Action on pages 5-8 discusses rejections of claims 1-3 and 6-16. Applicants have therefore proceeded under the assumption that the above statement of the rejection inadvertently omitted claims 7-16 from the statement of the rejection, and that the rejection is directed towards claims 1-3 and 6-16. However, if this assumption is incorrect, Applicants request correction/clarification, and reserve the right to further respond based on any correction or clarification that may be provided.

Claims 1-3 and 6-16 are distinguishable over Martin et al. For example, independent claims 1 and 16 as now amended include,

a first circuit coupled to an input port of the transmitter, the first circuit including an input port and an output port and no more than two transistors including a first transistor and a second transistor, the first transistor having a source/drain directly connected to a source drain of the second transistor, the second transistor larger than the first transistor.

Further, independent claim 12 as now amended includes,

receiving a signal at a first circuit, the first circuit including an input port and an output port and no more than two transistors including a first transistor and a second transistor, the first transistor having a source/drain directly connected to a source drain of the second transistor, the second transistor larger than the first transistor.

Applicants believe independent claims 1, 12, and 16, at least as now amended, are not anticipated by Martin et al. Further, claims 2-3 and 6-11 depend from independent claim 1, and

claims 13-15 depend from independent claim 12. Therefore, claims 2-3, 6-11, and 13-15 include all of the subject matter included in the independent claim from which they depend, and more. Thus, for at least the reasons stated above with respect to independent claims 1, 12, and 16, claims 2-3, 6-11, and 13-15 are not anticipated by Martin et al.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-3 and 6-16, and allowance of all claims now pending in the application.

### §103 Rejection of the Claims

#### Claims 4-5 and 17-19.

Claims 4-5 and 7- were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin et al. (U.S. 6,704,818) in view of Arcoleo et al. (U.S. 5,864,506). Applicants respectfully traverse this rejection of the claims.

Applicants note that while the above statement of the rejection only specifically mentions claims 4-5 and 7, the Final Office Action on pages 9-10 discusses rejections of claims 4-5 and 17-19. Applicants have therefore proceeded under the assumption that the above statement of the rejection inadvertently includes claim 7, and inadvertently omitted claims 17-19 from the statement of the rejection, and that the rejection is directed towards claims 4-5 and 17-19. However, if this assumption is incorrect, Applicants request correction/clarification, and reserve the right to further respond based on any correction or clarification that may be provided.

Applicants respectfully traverse the rejection of claims 4-5 and 17-19.

Applicants respectfully submit that the rejection of claims 4-5 and 17-19 based on Martin et al. in view of Arcoleo et al. is improper under 35 U.S.C. § 103(c). Applicants respectfully submit that Martin et al. is not eligible for use in rejecting claims 4-5 and 17-19 of the present application in a 35 U.S.C. § 103 based rejection. A reference asserted under 102(e), (f), or (g) that was commonly owned with an application at the time the invention was made, cannot preclude patentability under 35 U.S.C. §103 of the claims of the application when the application was filed on or after November 29, 1999.<sup>3</sup> The present application was filed on September 30, 2003, as shown by the attached copy of the Filing Receipt, which is after November 29, 1999.

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<sup>3</sup> See 35 U.S.C. § 103(c); 1233 OG 55 (April 11, 2000).

Martin et al. and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Thus, Martin et al. is commonly owned with the present application and cannot preclude patentability with respect to claims 4-5 and 17-19 of the present application in a 35 U.S.C. § 103 based rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection, and allowance of all claims now pending in the application.

Claims 20-23.

Claims 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin et al. (U.S. 6,704,818, herein after the '818 patent) in view of Martin et al. (U.S. 5,894,536 hereinafter the '536 patent). Applicants respectfully traverse the rejection of claims 20-23.

Applicants respectfully submit that the rejection of claims 20-23 based on the '818 patent in view of the '536 patent is improper under 35 U.S.C. § 103(c). For at least the reasons stated above with respect to claims 4-5 and 17-19, the '818 patent is commonly owned with the present application and cannot preclude patentability with respect to claims 20-23 of the present application in a 35 U.S.C. § 103 based rejection.

Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection, and allowance of all claims now pending in the application.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of November 2006.

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